IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO. 96 OF 2004

Malan Gokul Dhaigude. ... Applicant.
Versus.
Gokul Devba Dhaigude. ... Respondents.

Shri Ashok G.Thoraskar for the Applicant.

CORAM : ABHAY S. OKA, J.

DATED : 22nd February, 2005.

P.C.:

1. Office noting shows that the Respondent is duly served with the notice. None appears for the Respondent. No reply is filed. The Applicant is the wife and the Respondent is the husband. The Applicant is resident of village Dudhebavi, Taluka Phaltan, District Satara, and the Respondent is the resident of Mumbai. The Respondent has filed a petition in the Family Court at Mumbai for decree of divorce. According to the Applicant there are two children born from the marriage and both the minor children are staying with the Applicant.

2. In paragraph 6 of the Application, the Applicant has stated that she has no independent source of income and she is residing with her children at the mercy of her parents. It is very difficult for the Applicant to undertake travelling to Mumbai.

3. The averments made in the Application have not been controverted by the Respondent. Hence a case is made out for transfer.

4. Accordingly the following order is passed:

i) Petition No.A-997 of 2003 filed by the Respondent in the Family Court at Mumbai is transferred to the Court of the Civil Judge, Senior Division, Satara.

ii) After transfer of the petition to the Court at Satara, the learned Judge will issue notice to both the parties intimating the date of fixed in the matter.

iii) Application is allowed in the above terms with no order as to costs.

iv) The parties and the concerned Court to act on authenticated copy of this order.

Judge.